



To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

1. **PURPOSE:** This directive provides TSA policy and procedures for the review, coordination and approval of proposed new carrier service at a foreign airport that is either used by a foreign air carrier as a Last Point of Departure (LPD) to the United States or served by a U.S. aircraft operator.
2. **SCOPE:** This directive applies to the Offices of Chief Counsel (OCC), Global Strategies (OGS), Intelligence and Analysis (OIA), Law Enforcement/Federal Air Marshal Service (OLE/FAMS), Security Policy and Industry Engagement (OSPIE).
3. **AUTHORITIES:**
 - A. Title 49 U.S.C. § 114(d)
 - B. Title 49 U.S.C. § 114(f)(11)
 - C. Title 49 U.S.C. § 40113
 - D. Title 49 U.S.C. § 44903(b)
 - E. Title 49 U.S.C. § 44905
 - F. Title 49 U.S.C. § 44907
 - G. [DHS Delegation 7060.2, Delegation to the Administrator of the Transportation Security Administration](#)
4. **DEFINITIONS:**
 - A. Carrier: A U.S. aircraft operator or foreign air carrier, including one operating a Public Charter, but excluding one engaged in Private Charter or all-cargo operations.
 - B. Current Carrier: A carrier that holds a TSA-approved security program under 49 CFR Part 1544 or a TSA-accepted security program under 49 CFR Part 1546, as applicable.
 - C. Current Point of Departure: A foreign airport that is either an LPD or is served by a U.S. aircraft operator and, in each case, for which a Foreign Airport Assessment has been conducted within the assessment cycle prescribed for airports of that tier under the Foreign Airport Assessment Program (FAAP).
 - D. Economic Authority Certificate: A certificate of public convenience and necessity in the case of a U.S. aircraft operator or a permit in the case of a foreign air carrier issued under 49 U.S.C. §§ 41102 or 41302, respectively, by the Secretary of Transportation authorizing a Carrier to provide foreign air transportation.

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- E. Foreign Airport Assessment: An assessment of a foreign airport conducted under the FAAP in consultation with appropriate foreign government aeronautic authorities to determine the extent to which a foreign airport effectively maintains and carries out security measures that at a minimum meet the aviation security standards and appropriate recommended practices established by the International Civil Aviation Organization.
- F. Foreign Airport Assessment Program: A TSA program that implements the statutory requirement set forth in 49 U.S.C. § 44907 in which the DHS Secretary assess the effectiveness of the security measures maintained at foreign airports that 1.) are served by a U.S. aircraft operator, 2.) have a foreign air carrier serving the United States, 3.) pose a high risk of introducing danger to international air travel, or 4.) the DHS Secretary considers appropriate.
- G. Last Point of Departure: A foreign airport from which a Carrier provides direct service to the United States.
- H. National Information Report (NIR): A comprehensive report prepared by OGS and used as a tool to evaluate whether a country has established the framework for the development and implementation of an effective civil aviation security system through primary law, regulations, and procedures in accordance with annexes to the Convention on International Civil Aviation.
- I. New Carrier: A U.S. aircraft operator that does not hold a TSA-approved security program under 49 CFR Part 1544 or a foreign air carrier that does not hold a TSA-accepted security program under 49 CFR Part 1546.
- J. New Point of Departure: A foreign airport that is proposed to become an LPD or to be served by a U.S. aircraft operator, and, in each case, for which a Foreign Airport Assessment has not been conducted within the assessment cycle prescribed for airports of that tier under the FAAP.
- K. New Service: A new service proposed by a Current or New Carrier from a Current or New Point of Departure.
- L. New Service Review Process: TSA's review of a New Service request by a Carrier, beginning with initiation by the Assistant Administrator (AA) for OGS (AA/OGS) or for OSPIE (AA/OSPIE), as appropriate, and ending with approval or negative recommendation.
- M. Private Charter: Any Carrier flight where:
 - (1) The charterer engages the total passenger capacity of the aircraft for the carriage of passengers; the passengers are invited by the charterer; the cost of the flight is borne entirely by the charterer and not directly or indirectly by any individual passenger; and the flight is not advertised to the public, in any way, to solicit passengers; or
 - (2) The total passenger capacity of the aircraft is used for the purpose of civilian or military air movement conducted under contract with the Government of the United States or the government of a foreign country.
- N. Public Charter: Any charter flight that is not a Private Charter.

- O. Trans-border Interagency Working Group (TBIWG): An interagency working group responsible for reviewing recommended denials of New Service requests, consisting of representatives from TSA, DHS, Department of State (DOS), Department of Transportation (DOT), Federal Aviation Administration (FAA), the Intelligence Community (IC) and the National Security Staff (NSS).

5. RESPONSIBILITIES:

A. The AA/OGS is responsible for:

- (1) Administering the FAAP, including:
 - (a) Preparing NIRs in consultation with appropriate foreign government aeronautic authorities;
 - (b) Using a risk-based methodology to determine the frequency of Foreign Airport Assessments;
 - (c) Scheduling, planning, and conducting Foreign Airport Assessments in consultation with appropriate foreign government aeronautic authorities;
 - (d) Preparing a Foreign Airport Assessment Report following every Foreign Airport Assessment; and
 - (e) Following up with the relevant host government authorities to resolve all outstanding issues identified in the course of the FAAP.
- (2) Inspecting Carrier operations at foreign airports.
- (3) Maintaining current information on Carrier operations at foreign airports subject to inspections and assessments, including: scheduled service, seasonal service, types of aircraft, types of service, and compliance data.
- (4) Leading and coordinating TSA's New Service Review Process.
- (5) Initiating the New Service Review Process following receipt of a New Service request and Economic Authority Certificate from a foreign air carrier.
- (6) Planning, coordinating, and conducting Special Focus Assessments.
- (7) Promptly notifying the Administrator of any significant negative findings identified during a Foreign Airport Assessment, Special Focus Assessment, or Man Portable Air Defense System (MANPADS) assist visit.
- (8) As appropriate, in consultation with the AA/OSPIE and the Chief Counsel, recommending a denial of a proposed New Service to the Administrator for his or her ratification and referral to the TBIWG.

- (9) Representing the Administrator in the TBIWG, with regard to questions concerning the recommended denial of requests for New Service, including:
 - (a) When appropriate, initiating and coordinating TBIWG discussions concerning security aspects of New Service requests when TSA makes a recommendation that a New Service request should be rejected on security grounds; or
 - (b) Advocating a recommended course of action on behalf of TSA.
 - (10) Notifying the foreign air carrier in writing of conditional approval or denial of proposed New Service not less than 30 calendar days prior to the proposed start date.
 - (11) Notifying the foreign air carrier in writing of final approval or denial of proposed New Service.
 - (12) Periodically reviewing and updating the New Carrier Service at Foreign Airports Standard Operating Procedure (SOP).
- B. AA/OLE/FAMS, in coordination with the AA/OGS and the AA/OIA, is responsible for planning and carrying out MANPADS assist visits.
- C. AA/OSPIE is responsible for:
- (1) Initiating the New Service Review Process once an Economic Authority Certificate and New Service Request are received.
 - (2) Notifying OGS that a New Service Review Process has been initiated.
 - (3) Notifying the U.S. aircraft operator in writing of conditional approval or denial of proposed New Service not less than 30 calendar days prior to the proposed start date.
 - (4) Notifying the U.S. aircraft operator in writing of final approval or denial of proposed New Service.
- D. AA/OIA is responsible for:
- (1) Conducting New Service threat assessments in coordination with DHS, DOS, DOT, FAA, and the IC.
 - (2) Continuously assessing the international aviation threat environment and notifying OGS of any developments that may affect open New Service requests.

- E. The Chief Counsel is responsible for reviewing every recommended denial of proposed New Service and advising the Administrator, the AA/OGS, and the AA/OSPIE, as appropriate.

6. POLICY:

- A. The New Service Review Process starts upon receipt by the AA/OGS or AA/OSPIE of a complete New Service application from the Carrier.

- B. TSA shall complete the New Service Review Process not later than 30 calendar days prior to the Carrier's proposed New Service start date.
- C. New Service application deadlines and timeframes for TSA's New Service Review Process shall be incorporated into the Carrier's security program.
- D. The AA/OGS, or the AA/OSPIE, shall update the Carrier on the status of its application review no later than 15 calendar days, or in the case of New Points of Departure, 45 calendar days after the start of the New Service Review Process.
- E. The AA/OGS or AA/OSPIE, as appropriate, may, in his or her reasonable discretion, extend the New Service Review Process for any New Service request. In this case, the appropriate Assistant Administrator will provide written notification to the affected Carrier.
- F. The AA/OGS, on behalf of the Administrator, shall approve the proposed New Service if, based on the outcome of the New Service Review Process, it is determined that safety and the public interest will allow it.
- G. A New Service approval remains effective for a period of 12 months, and lapses thereafter, if New Service does not start within this period or if new information becomes available to TSA prior to the start of the New Service that would affect the original approval, in which case the AA/OGS may rescind the New Service approval.
- H. The AA/OGS, in consultation with the AA/OSPIE and the Chief Counsel, shall recommend the denial of a request for New Service for the Administrator's approval and referral to the TBIWG when, based on the outcome of the New Service Review Process, the proposed New Service presents an unacceptable security risk and would be contrary to the public interest.
- I. All conditional and final approval/denial decisions regarding New Service requests shall be documented and transmitted to the subject Carrier in writing.

7. PROCEDURES:

- A. When New Service is proposed for a Current Point of Departure by a Current Carrier, the New Service Review Process will be completed within 45 calendar days and consist of:
 - (1) Confirmation of the Current Carrier's Economic Authority Certificate;
 - (2) Review of the most recent threat assessment for the subject airport;
 - (3) Review of the Current Carrier's security program and implementing procedures; and
 - (4) An Airport Assessment in accordance with the New Carrier Service at Foreign Airports SOP.
- B. When New Service is proposed by a New Carrier, the New Service Review Process will be completed within 90 calendar days and consist of:

- (1) Confirmation of the New Carrier's Economic Authority Certificate;
 - (2) Development and approval/acceptance of the New Carrier's security program and implementing procedures;
 - (3) Threat assessment by OIA;
 - (4) For a Current Point of Departure, review of the most recent Foreign Airport Assessment Report and, if necessary, conducting an Airport Assessment in accordance with the New Carrier Service at Foreign Airports SOP; and
 - (5) For a New Point of Departure, additional measures as required by Section 7C.
- C. When New Service is proposed for a New Point of Departure, the New Service Review Process will be completed within 90 calendar days and consist of:
- (1) Confirmation of the Carrier's Economic Authority Certificate,
 - (2) Threat assessment by OIA, in coordination with OGS, OSPIE, DHS, DOS, DOT, FAA, and the IC;
 - (3) Review of the new point of departure country's NIR, if available;
 - (4) Review of the new point of departure country's relevant international agreements and arrangements with the United States and TSA;
 - (5) Airport Assessment of the new point of departure foreign airport not less than 30 calendar days prior to the Carrier's proposed New Service start date;
 - (6) MANPADS assist visit, if deemed necessary by the results of the threat assessment and agreed to by OIA, OLE/FAMS, and OGS;
 - (7) Review of the subject Carrier's security program and implementing procedures; and
 - (8) If the proposed New Service also involves a New Carrier, additional measures as required by Section 7B herein.
- D. The New Service Review Process applies to New Service proposed by a Carrier operating a Public Charter only if:
- (1) The Carrier intends to operate more than three flights in any calendar month or more than 25 flights in any calendar year; or
 - (2) The Carrier intends to operate from a high risk airport, as specified in the New Carrier Service at Foreign Airports SOP.
 - (3) In all other cases, the New Service will be approved without further review and the Carrier notified promptly after receipt of the New Service application.

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- E. Implementing instructions to this directive are set forth in the associated New Carrier Service at Foreign Airports SOP, which may be obtained by contacting the Global Compliance Division.
- F. Reference Attachment, New Carrier Service at Foreign Airports Chart, for a summary of Sections 6B and 7A through 7D.

8. APPROVAL AND EFFECTIVE DATE: This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

December 14, 2012

Kelly Hoggan
Assistant Administrator of
Office of Global Strategies (OGS)

Date

EFFECTIVE

Date

Distribution: OCC, OGS, OIA, OLE/FAMS, OSPIE
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ATTACHMENT

New Carrier Service at Foreign Airports Chart

		Max. review period days	Confirm Econ. Authority Certificate	Threat assessment	Review NIR	Review international arrangements	Special Focus Assessment	Review most recent FAAP Report	MANPADS assist visit	Develop security program/procedures	Review security program/procedures
Current Point of Departure	Current Carrier	45	√	√			*	√			√
	New Carrier	90	√	√			*	√		√	
New Point of Departure	Current Carrier	90	√	√	√	√	√		†		√
	New Carrier	90	√	√	√	√	√		†	√	

* In the case of a high risk airport.

† As necessary/appropriate.